### 2005

### Missouri Legal Malpractice Insurance Report



# MISSOURI LEGAL MALPRACTICE INSURANCE REPORT 2005

Department of Insurance, Financial Institutions & Professional Registration Statistics Section September 2006

### Also Available From DIFP

The following reports are available by sending a written request along with \$35 to: **Missouri Department of Insurance, Financial Institutions and Professional Registration, P.O. Box 690, Jefferson City, MO 65102-0690** 

1. Missouri Complaint Index Report

summary information: <a href="http://www.insurance.mo.gov/reports/complaint/index.htm">http://www.insurance.mo.gov/reports/complaint/index.htm</a>

2. Missouri Department of Insurance Annual Report

summary information: <a href="http://www.insurance.mo.gov/aboutInsurance/annual\_report.htm">http://www.insurance.mo.gov/aboutInsurance/annual\_report.htm</a>

3. Missouri Legal Malpractice (Closed Claim) Report

summary information: <a href="http://www.insurance.mo.gov/reports/legmal/index.htm">http://www.insurance.mo.gov/reports/legmal/index.htm</a>

4. Missouri Life, Accident & Health Supplement Data

summary information: http://www.insurance.mo.gov/reports/suppdata.htm

5. Missouri Market Share Report

summary information: <a href="http://www.insurance.mo.gov/reports/mktshr.htm">http://www.insurance.mo.gov/reports/mktshr.htm</a>

6. Missouri Medical Malpractice (Closed Claim) Report

summary information: <a href="http://www.insurance.mo.gov/reports/medmal/index.htm">http://www.insurance.mo.gov/reports/medmal/index.htm</a>

7. Missouri Product Liability (Closed Claim) Report

summary information: http://www.insurance.mo.gov/reports/prodliab/index.htm

8. Missouri Property & Casualty Supplement Report

summary information: http://www.insurance.mo.gov/reports/suppdata.htm

9. Missouri Real Estate Malpractice (Closed Claim) Report

summary information: http://www.insurance.mo.gov/reports/remal/index.htm

10. Mortgage Guaranty Report

summary information: <a href="http://www.insurance.mo.gov/reports/mortguar/index.htm">http://www.insurance.mo.gov/reports/mortguar/index.htm</a>

11. Private Passenger Automobile Report

summary information <a href="http://www.insurance.mo.gov/reports/ppauto.pdf">http://www.insurance.mo.gov/reports/ppauto.pdf</a>

12. Missouri Health Maintenance Organization Report

summary information: http://www.insurance.mo.gov/reports/hmo/index.htm

<u>Databases:</u> For more information: <a href="http://www.insurance.mo.gov/reports/index.htm#aggdata">http://www.insurance.mo.gov/reports/index.htm#aggdata</a>

- 1. Medicare Supplement Experience Data
- 2. Commercial Liability Experience Data
- 3. Missouri **Zip Code Insurance Data** for:
  - ➤ Homeowners/Dwelling Fire,
  - Farmowners (dwelling only),
  - Mobile Home.
  - Earthquake, and
  - Private Passenger Automobile

Some data is available to the public for a fee by special request only. For additional information, contact the **Statistics Section at (573) 751-4126**.

### **DEFINITION OF TERMS**

**Indemnity Paid:** The sum of all payments made during the year for the benefit of insurance claimants, before reinsurance has been ceded and/or assumed. These payments include amounts paid in the current year for claims arising from coverage in prior years and exclude amounts which will be paid in future years for claims arising from the current year. Hence, this item is not a measure of the actual cost of current coverages, but only of current cash flows.

**Loss Adjustment Expenses:** The cost involved in an insurance company's adjustment of losses under a policy.

**Direct Premiums Written:** The dollar amount charged when a policyholder contracts for insurance coverage before reinsurance has been ceded and/or assumed.

**Direct Premiums Earned:** The part of premium attributable to the coverage already provided in a given period before reinsurance has been ceded and/or assumed.

**Direct Losses Incurred:** The sum of direct losses paid plus an estimate at the close of the year of the amounts to be paid in the future for all claims arising from the current and all prior years, minus the corresponding estimate made at the close of business for the preceding year. Incurred losses reported include estimated amounts unpaid for incurred-but-not-reported (IBNR) claims.

**Loss Ratio:** The dollar amount of direct losses incurred divided by the dollar amount of premiums earned for the particular line of business being analyzed, expressed as a percentage. This is an accounting representation of the portion of each premium dollar which is needed to honor a company's promise to pay claims.

### LEGAL MALPRACTICE INSURANCE REPORT EXECUTIVE SUMMARY

This report summarizes the legal malpractice insurance experience in Missouri from 1996 to 2005.

The charts, graphs and tables in this report are limited to closed claim information and were constructed from data collected by the Department of Insurance, Financial Institutions & Professional Registration as required by Section 383.077 RSMo. The premium and loss data, obtained from the Missouri Page 20 Supplement to the companies' annual statements, are presented in the final section.

In 2005, the loss ratio for legal malpractice insurance in Missouri was 113 percent. For the 10-year period of claims closed<sup>1</sup>, 704 (27 percent) were closed with payment. Claims closed in 2005 totaled 252, a 4.2 percent decrease from the previous year, and 66 involved payments. The average payment was \$183,326.

The cost to an insurer for settling legal malpractice cases or the loss adjustment expense (legal fees, claims adjustment costs, etc.) has fluctuated over the past 10 years. In 2005, the average loss adjustment expense for all claims closed with payment was \$75,971, compared to \$82,500 in 2004.

In producing this report, indemnities paid on closed claims have been categorized by claim characteristics. The number of closed claims, average paid claim and the total amount paid are included. The categories used for the indemnity analysis are:

- Area of law in which the insured was retained by the claimant.
- Major activity in which the lawyer was engaged at the time the alleged error or omission occurred.
- Alleged error or omission that was the most significant reason for making the claim.
- The legal disposition of the claim at the closing date.
- The number of years the insured had been in practice at the time of the alleged error or omission.
- The relationship of the insured to the claimant.

<sup>&</sup>lt;sup>1</sup>Claims closed may have resulted from incidents in any previous period.

By area of law, the largest share of claims closed in 2005 (67 of 252) was initiated by plaintiffs in personal injury and property damage cases.

The largest proportion of all claims closed in 2005 and in the past 10 years involved the commencement of the legal action or proceeding. Failure to know or ascertain deadlines correctly was the most common reason stated for filing a claim in 2005. This alleged error also generated the largest number of claims over the 10 year span with 488 closed claims. Of all claims paid during 2005, 45 percent were settled before filing suit or demanding hearing on the alleged malpractice.

In the last two sections of the indemnity analysis, years admitted to practice and insured/claimant relationship are also reported. The three spans of years admitted to practice are: under 4 years, 4 to 10 years and more than 10 years. Ninety-five percent of losses in 2005 occurred among attorneys with more than 10 years of practice. The insured's relationship to the claimant is partitioned into four subclasses: free legal service, non-client, member of pre-paid legal plan and client other than free legal service or pre-paid legal plan. Eighty-five percent of 2005 claims occurred in the category of client other than free legal service or member of pre-paid legal plan.

Only eight companies reported writing legal malpractice insurance and submitted closed claim data in Missouri for 2005. The Bar Plan Mutual Insurance Company controlled at least 89 percent of the legal malpractice insurance market in this state.

This report was compiled using information submitted by insurance companies. As a result, the accuracy of this report is dependent upon the correctness of each company's data. Copies of this report will be made available in braille, large print, or on audio cassette upon request. Any questions regarding this report should be addressed to the Statistics Section, Department of Insurance, Financial Institutions & Professional Registration, P.O. Box 690, Jefferson City, MO 65102-0690.

The Department of Insurance, Financial Institutions & Professional Registration is an Equal Opportunity Employer

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TEN YEAR SUMMARY (1996 - 2005)

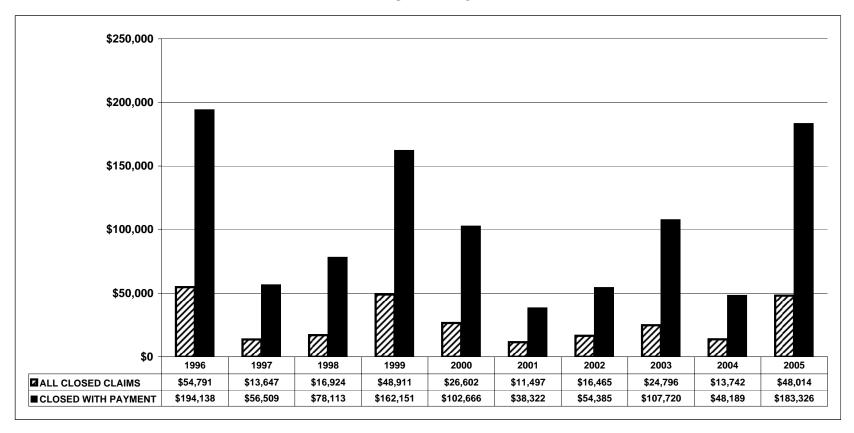
### LEGAL MALPRACTICE EXPERIENCE TEN YEAR SUMMARY

(1996 - 2005)

CLOSED CLAIMS	NUMBER OF CLAIMS	PERCENT OF CLAIMS	TOTAL INDEMNITY PAID	AVERAGE INDEMNITY PAID	TOTAL LOSS EXPENSES PAID	AVERAGE LOSS EXPENSE PAID
All Closed Claims	2,641	100.0%	\$74,591,463	\$28,244	\$34,760,055	\$13,162
Closed with Payment	704	26.7%	\$74,591,463	\$105,954	\$20,110,855	\$28,567
Closed without Payment	1,937	73.3%	\$0	\$0	\$14,649,200	\$7,563
Claims Settled Through Court Proceedings	198	7.5%	\$5,841,136	\$29,501	\$8,163,482	\$41,230
Court Proceedings Resulting in Payment	36	1.4%	\$5,841,136	\$162,254	\$2,864,127	\$79,559

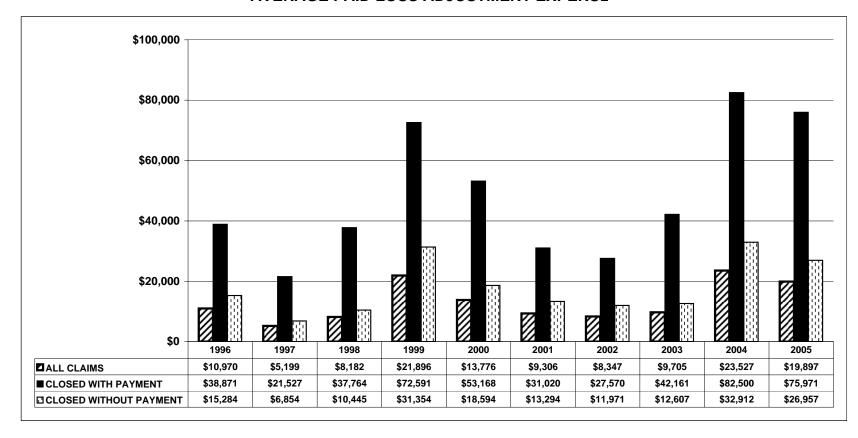
### MISSOURI LEGAL MALPRACTICE INSURANCE

### **AVERAGE PAID CLAIM**



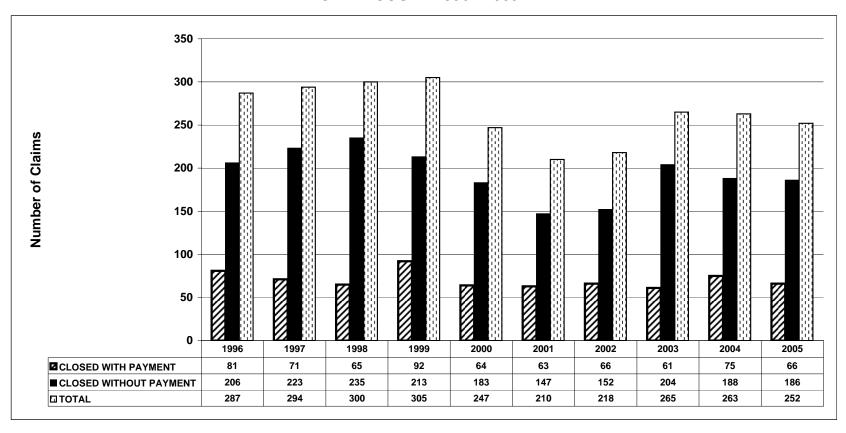
### MISSOURI LEGAL MALPRACTICE INSURANCE

### **AVERAGE PAID LOSS ADJUSTMENT EXPENSE**



### MISSOURI LEGAL MALPRACTICE INSURANCE

### **CLAIM COUNT 1996 - 2005**



# TEN YEAR SUMMARY & 2005 SUMMARY BY AREA OF LAW

### LEGAL MALPRACTICE INSURANCE INDEMNITY ANALYSIS FOR YEARS 1996 – 2005

AREA OF LAW	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
BI/PD - PLAINTIFF	702	272	38.64%	\$76,496	\$20,806,826	27.89%	\$6,820
ESTATE, TRUST & PROBATE	312	85	12.07%	\$67,828	\$5,765,413	7.73%	\$10,695
FAMILY LAW	307	58	8.24%	\$31,659	\$1,836,241	2.46%	\$5,233
COLLECTION & BANKRUPTCY	276	62	8.81%	\$67 <b>,</b> 783	\$4,202,552	5.63%	\$8,241
REAL ESTATE	203	44	6.25%	\$154,620	\$6,803,292	9.12%	\$10,778
BUSINESS TRANSACTION/COMMERCIAL LAW	184	49	6.96%	\$232,442	\$11,389,648	15.27%	\$29,484
CRIMINAL	122	15	2.13%	\$34,817	\$522,250	0.70%	\$5,725
WORKERS COMPENSATION	117	38	5.40%	\$38,023	\$1,444,875	1.94%	\$3,771
BI/PD - DEFENDANT	107	21	2.98%	\$367,525	\$7,718,030	10.35%	\$37,678
CORPORATE & BUSINESS ORGANIZATION	80	15	2.13%	\$67,572	\$1,013,587	1.36%	\$20,854
CIVIL RIGHTS & COMMISSION	59	7	0.99%	\$115,571	\$809,000	1.08%	\$9,537
CONSUMER CLAIMS	37	5	0.71%	\$36,730	\$183,650	0.25%	\$13,629
LABOR LAW	28	8	1.14%	\$105,741	\$845,927	1.13%	\$11,591
LOCAL GOVERNMENT	27	3	0.43%	\$13,000	\$39,000	0.05%	\$19,430
TAXATION	22	6	0.85%	\$80,167	\$480,999	0.64%	\$25,625
PATENTS, TRADEMARKS, COPYRIGHTS	17	6	0.85%	\$204,167	\$1,225,000	1.64%	\$76,612
SECURITIES (S.E.C.)	11	3	0.43%	\$3,061,399	\$9,184,198	12.31%	\$381,165
GOVERNMENT CONTRACTS & CLAIMS	8	0	0.00%	\$0	\$0	0.00%	\$504
IMMIGRATION & NATURALIZATION	7	3	0.43%	\$92,010	\$276,030	0.37%	\$23,333
ANTITRUST	6	1	0.14%	\$3,945	\$3,945	0.01%	\$20,953
CONSTRUCTION (BUILDING CONTRACTS)	6	1	0.14%	\$25,000	\$25,000	0.03%	\$2,547
ADMIRALTY	3	2	0.28%	\$8,000	\$16,000	0.02%	\$6,236
TOTAL	2,641	704	100.00%	\$105,954	\$74,591,463	100.00%	\$13,162

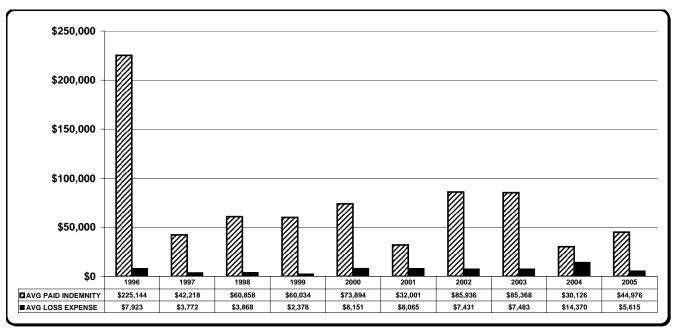
### LEGAL MALPRACTICE INSURANCE INDEMNITY ANALYSIS CLAIMS CLOSED IN 2005

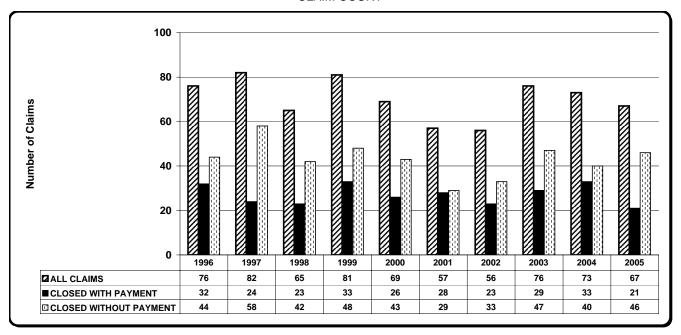
AREA OF LAW	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
BI/PD - PLAINTIFF	67	21	26.59%	\$44,976	\$944,500	7.81%	\$5,615
ESTATE, TRUST & PROBATE	35	8	13.89%	\$24,005	\$192,043	1.59%	\$7,940
COLLECTION & BANKRUPTCY	32	6	12.70%	\$34,017	\$204,100	1.69%	\$29,085
FAMILY LAW	25	6	9.92%	\$37,224	\$223,341	1.85%	\$8,068
BUSINESS TRANSACTION/COMMERCIAL LAW	15	4	5.95%	\$232,500	\$930,000	7.69%	\$24,819
CRIMINAL	14	2	5.56%	\$53 <b>,</b> 750	\$107,500	0.89%	\$9,652
WORKERS COMPENSATION	14	5	5.56%	\$80,875	\$404,374	3.34%	\$5,526
REAL ESTATE	12	4	4.76%	\$890,799	\$3,563,195	29.45%	\$74,124
BI/PD - DEFENDANT	9	4	3.57%	\$1,136,425	\$4,545,700	37.57%	\$13,774
CORPORATE & BUSINESS ORGANIZATION	8	1	3.17%	\$10,000	\$10,000	0.08%	\$28,410
CIVIL RIGHTS & COMMISSION	5	1	1.98%	\$11,000	\$11,000	0.09%	\$2,675
CONSUMER CLAIMS	4	0	1.59%	\$0	\$0	0.00%	\$44,985
LOCAL GOVERNMENT	4	0	1.59%	\$0	\$0	0.00%	\$305
IMMIGRATION & NATURALIZATION	2	2	0.79%	\$31,382	\$62,763	0.52%	\$18,645
ADMIRALTY	1	1	0.40%	\$1,000	\$1,000	0.01%	\$5,272
GOVERNMENT CONTRACTS & CLAIMS	1	0	0.40%	\$0	\$0	0.00%	\$4,020
LABOR LAW	1	0	0.40%	\$0	\$0	0.00%	\$0
PATENTS, TRADEMARKS, COPYRIGHTS	1	1	0.40%	\$900,000	\$900,000	7.44%	\$951,867
SECURITIES (S.E.C.)	1	0	0.40%	\$0	\$0	0.00%	\$209,043
TAXATION	1	0	0.40%	\$0	\$0	0.00%	\$0
TOTAL	252	66	100.00%	\$183,326	\$12,099,516	100.00%	\$19 <b>,</b> 897

### TRENDS OF THE TOP TEN AREAS OF LAW OF 2005

### PERSONAL INJURY/PROPERTY DAMAGE - PLAINTIFF

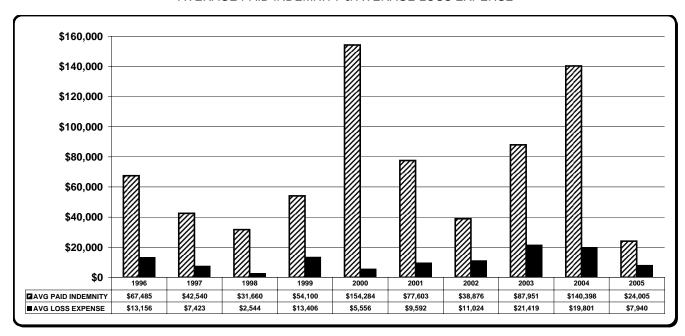
AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

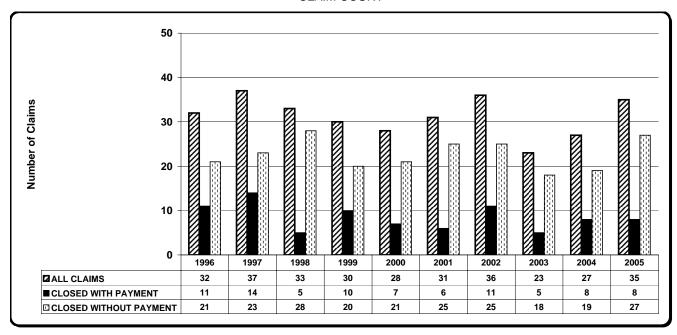




### **ESTATE, TRUST & PROBATE**

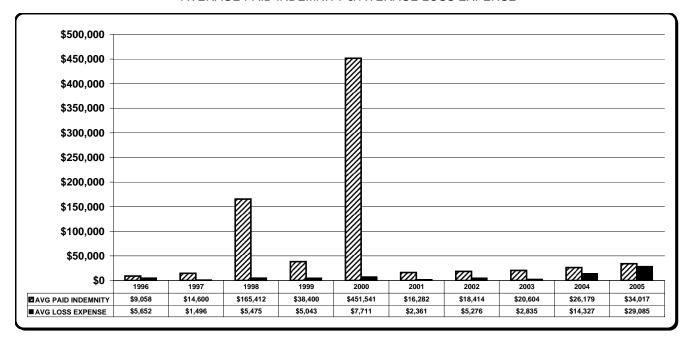
AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

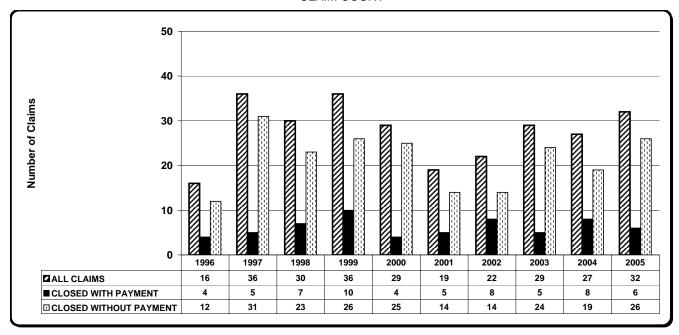




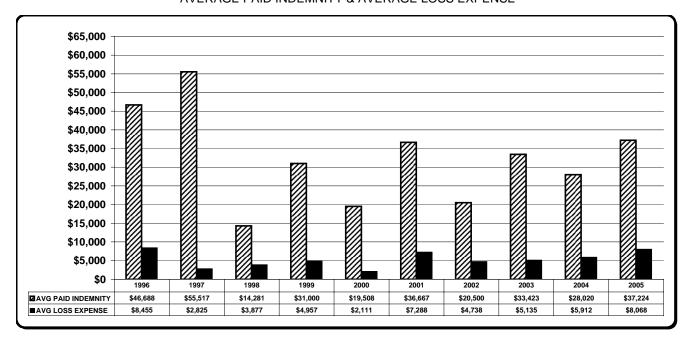
### **COLLECTION AND BANKRUPTCY**

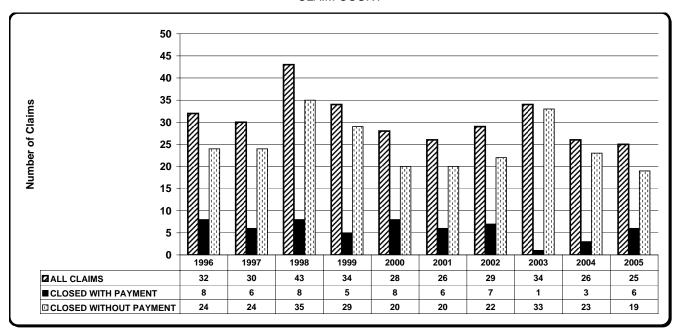
AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE





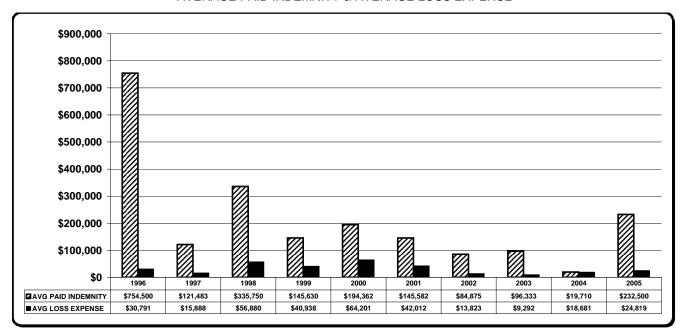
**FAMILY LAW**AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

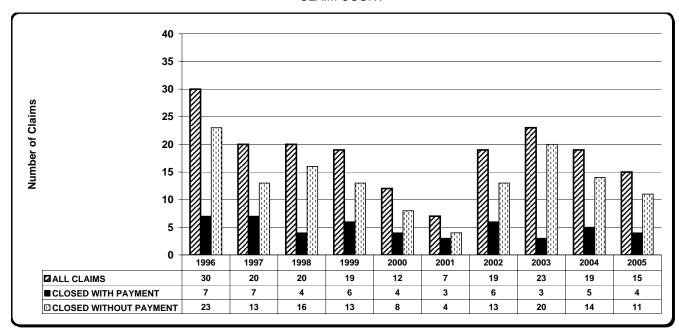




### **BUSINESS TRANSACTIONS/COMMERCIAL LAW**

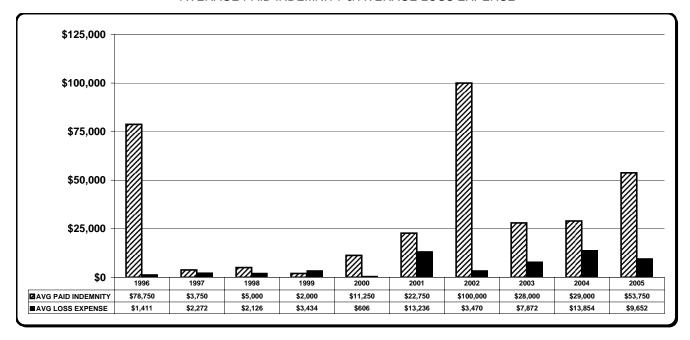
AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

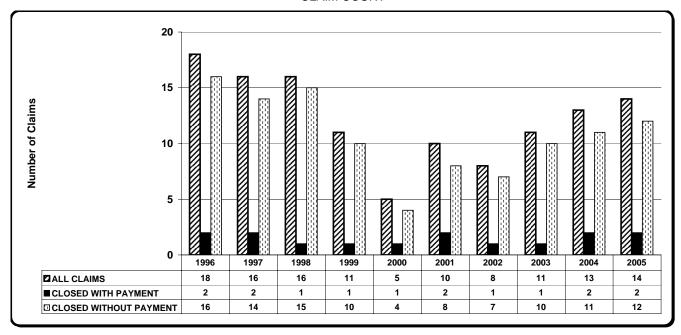




CRIMINAL

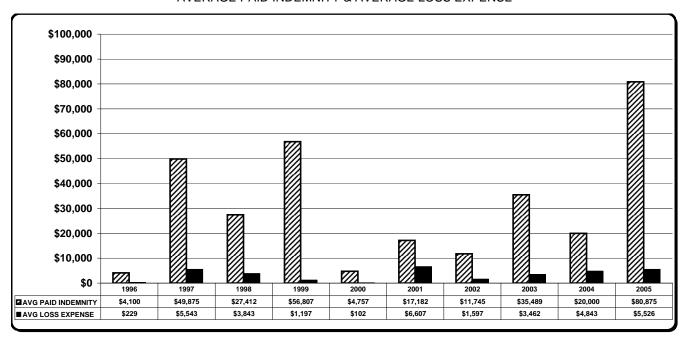
AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

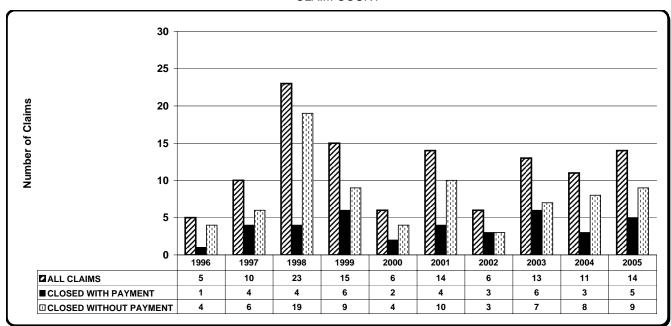




### **WORKERS' COMPENSATION**

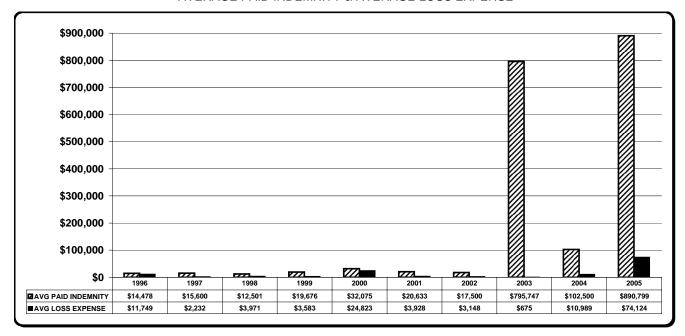
AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

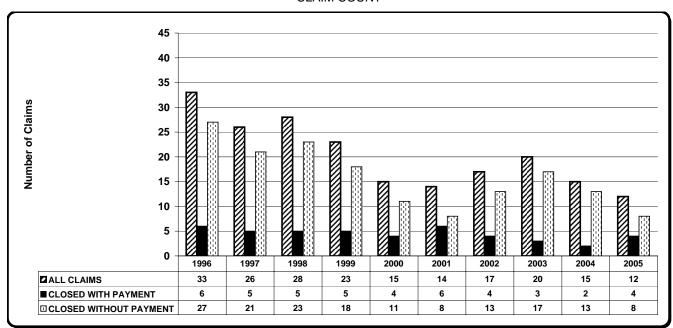




REAL ESTATE

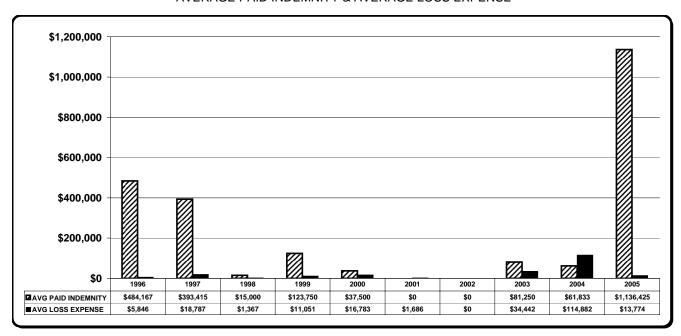
AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

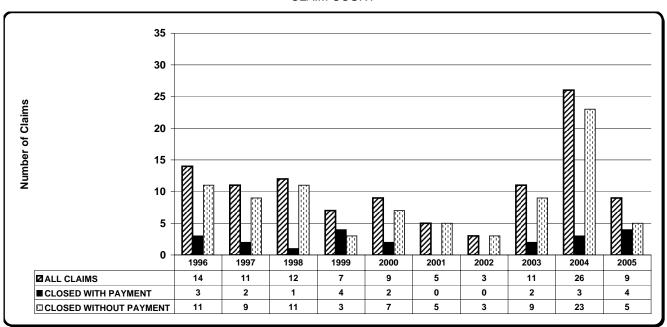




### PERSONAL INJURY/PROPERTY DAMAGE - DEFENDANT

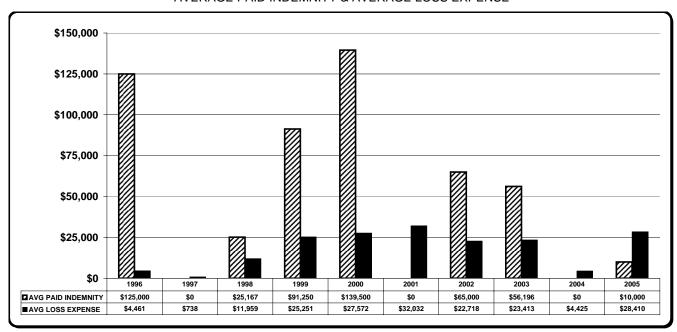
AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

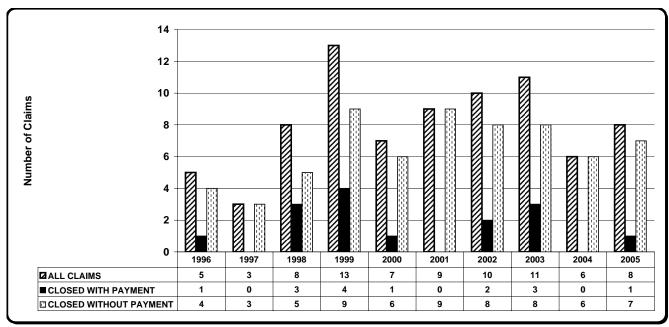




### **CORPORATE AND BUSINESS ORGANIZATION**

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE





## TEN YEAR SUMMARY & 2005 SUMMARY BY MAJOR ACTIVITY

### LEGAL MALPRACTICE INSURANCE INDEMNITY ANALYSIS FOR YEARS 1996 – 2005

MAJOR ACTIVITY CODE	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
COMMENCEMENT OF ACTION OR PROCEEDING	670	235	33.38%	\$86,324	\$20,286,182	27.20%	\$6,584
PREPARATION, TRANSMITTAL OR FILING	329	92	13.07%	\$77,849	\$7,162,084	9.60%	\$12,827
OTHER	321	64	9.09%	\$79 <b>,</b> 760	\$5,104,652	6.84%	\$12,667
SETTLEMENT AND NEGOTIATION	308	70	9.94%	\$91,375	\$6,396,269	8.58%	\$10,038
PRE-TRIAL, PRE-HEARING	276	86	12.22%	\$88,230	\$7 <b>,</b> 587 <b>,</b> 799	10.17%	\$9,331
CONSULTATION OR ADVICE	192	44	6.25%	\$490,660	\$21,589,060	28.94%	\$58 <b>,</b> 638
TRIAL OR HEARING	161	26	3.69%	\$89 <b>,</b> 793	\$2,334,630	3.13%	\$12,867
INVESTIGATION, OTHER THAN LITIGATION	105	29	4.12%	\$38,535	\$1,117,512	1.50%	\$5 <b>,</b> 606
EXPARTE PROCEEDINGS	91	27	3.84%	\$29,669	\$801,069	1.07%	\$9,423
POST TRIAL OR HEARING	65	9	1.28%	\$18,337	\$165,036	0.22%	\$3,880
APPEAL ACTIVITIES	60	11	1.56%	\$28,201	\$310,213	0.42%	\$3,134
TAX REPORTING OR PAYMENT	20	3	0.43%	\$136,471	\$409,412	0.55%	\$30,070
OTHER WRITTEN OPINION	17	4	0.57%	\$209,280	\$837,120	1.12%	\$16,674
REFERRAL TO ANOTHER PROFESSIONAL	16	2	0.28%	\$237,500	\$475,000	0.64%	\$8 <b>,</b> 886
TITLE OPINION	10	2	0.28%	\$7,713	\$15,425	0.02%	\$15,142
TOTAL	2,641	704	100.00%	\$105,954	\$74,591,463	100.00%	\$13,162

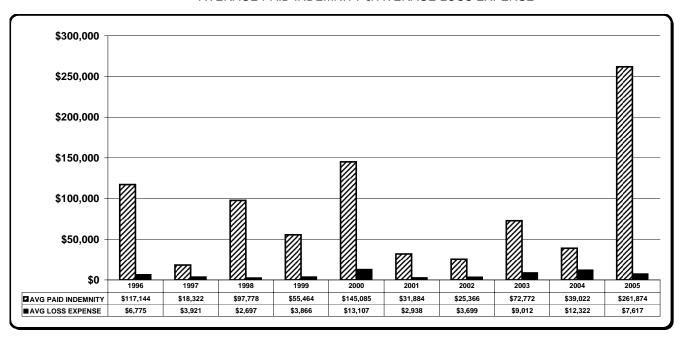
### LEGAL MALPRACTICE INSURANCE INDEMNITY ANALYSIS CLAIMS CLOSED IN 2005

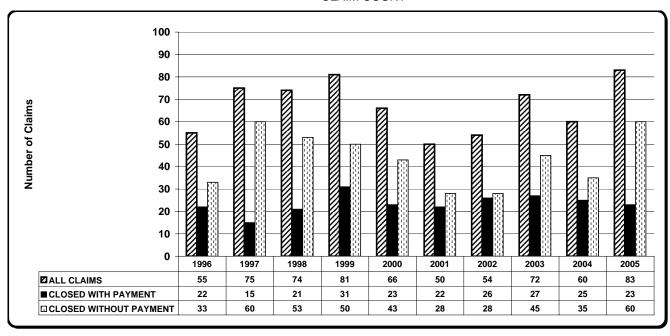
MAJOR ACTIVITY CODE	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
COMMENCEMENT OF ACTION OR PROCEEDING	83	23	34.85%	\$261,874	\$6,023,102	49.78%	\$7,617
PREPARATION, TRANSMITTAL OR FILING	29	6	9.09%	\$40,794	\$244,763	2.02%	\$38,379
INVESTIGATION, OTHER THAN LITIGATION	28	7	10.61%	\$17,089	\$119,625	0.99%	\$5,972
PRE-TRIAL, PRE-HEARING	28	4	6.06%	\$133,750	\$535,000	4.42%	\$11,454
CONSULTATION OR ADVICE	20	7	10.61%	\$528,740	\$3,701,181	30.59%	\$49,377
SETTLEMENT AND NEGOTIATION	19	7	10.61%	\$11,225	\$78,572	0.65%	\$6,762
TRIAL OR HEARING	15	3	4.55%	\$55 <b>,</b> 667	\$167,000	1.38%	\$4,280
OTHER	11	5	7.58%	\$224,500	\$1,122,500	9.28%	\$134,690
APPEAL ACTIVITIES	7	1	1.52%	\$20,000	\$20,000	0.17%	\$2,361
EXPARTE PROCEEDINGS	7	3	4.55%	\$29,258	\$87,773	0.73%	\$14,667
POST TRIAL OR HEARING	3	0	0.00%	\$0	\$0	0.00%	\$0
TAX REPORTING OR PAYMENT	2	0	0.00%	\$0	\$0	0.00%	\$0
TOTAL	252	66	100.00%	\$183,326	\$12,099,516	100.00%	\$19,897

### TRENDS OF THE TOP TEN MAJOR ACTIVITY OF 2005

### **COMMENCEMENT OF ACTION OR PROCEEDING**

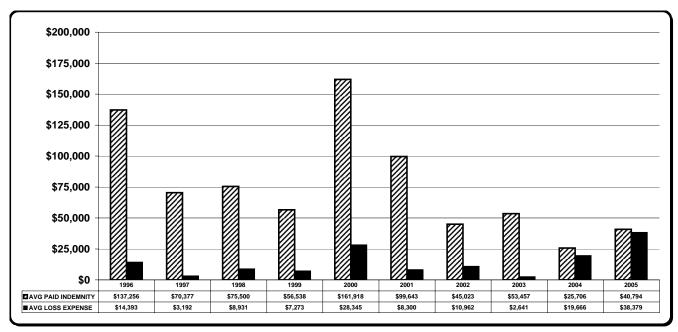
AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

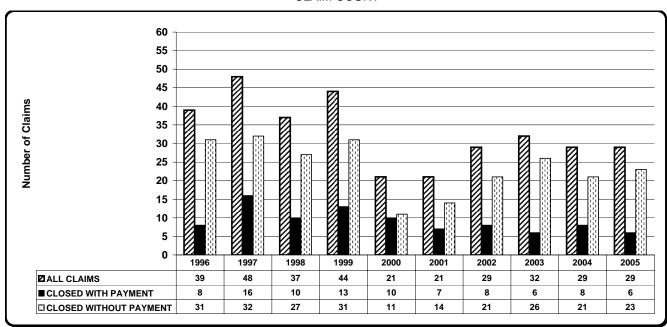




### PREPARATION, TRANSMITTAL OR FILING

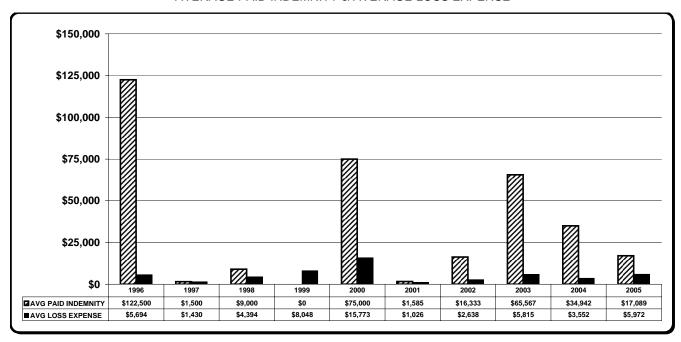
AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

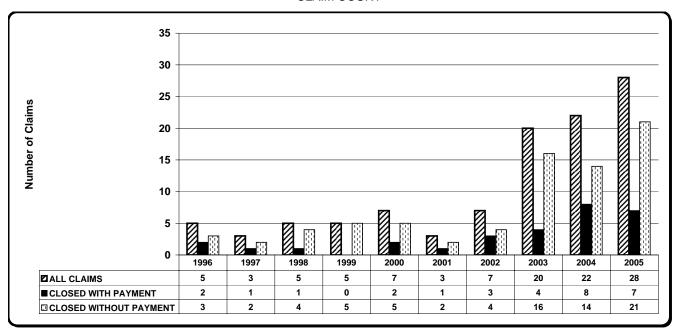




### INVESTIGATION, OTHER THAN LITIGATION

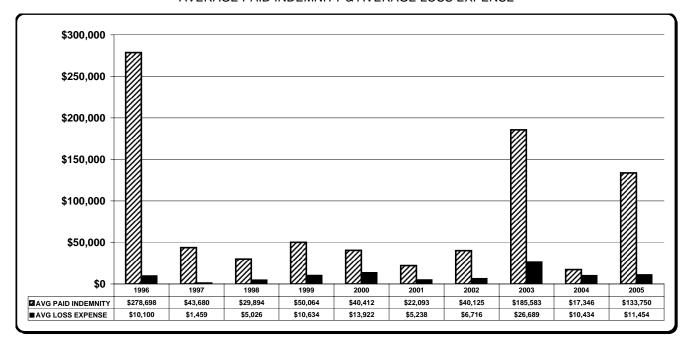
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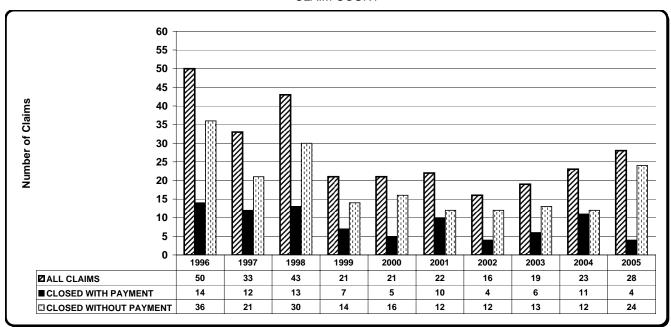




### PRE-TRIAL, PRE-HEARING

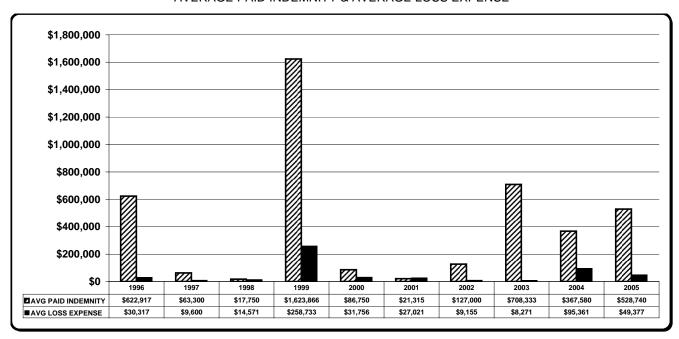
### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

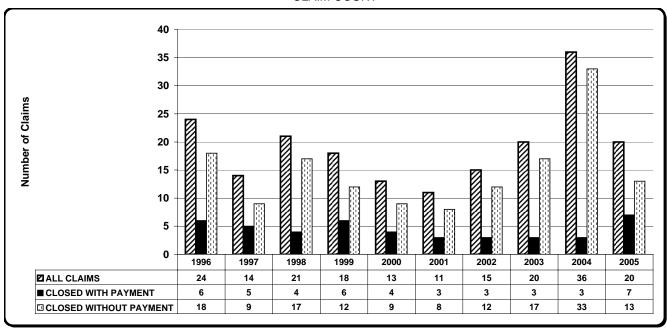




### **CONSULTATION OR ADVICE**

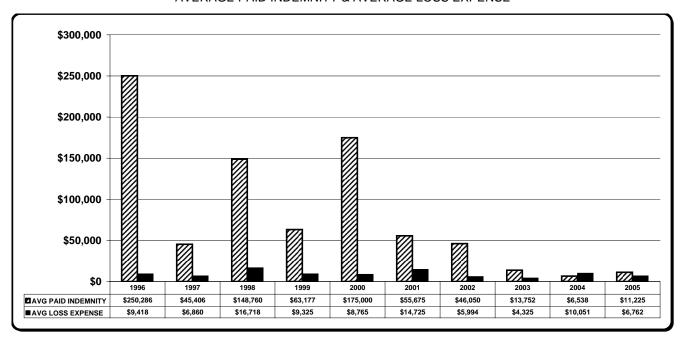
AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

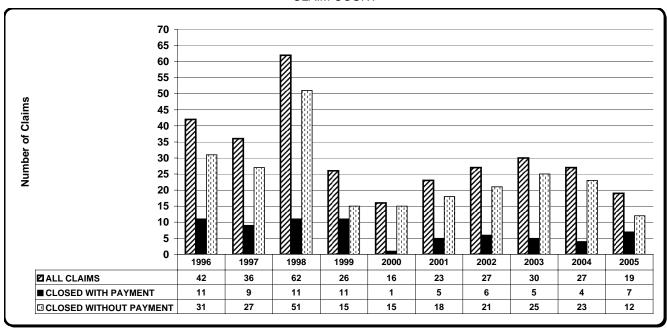




### **SETTLEMENT AND NEGOTIATION**

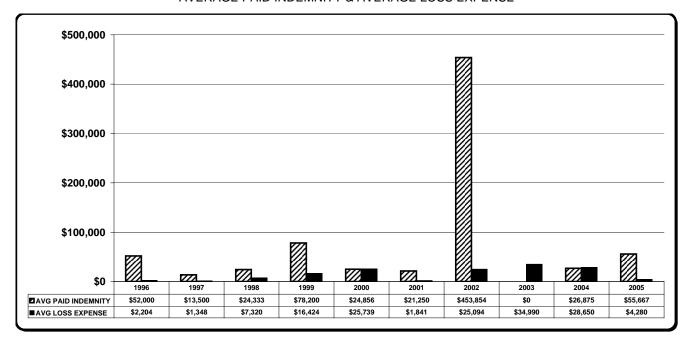
AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

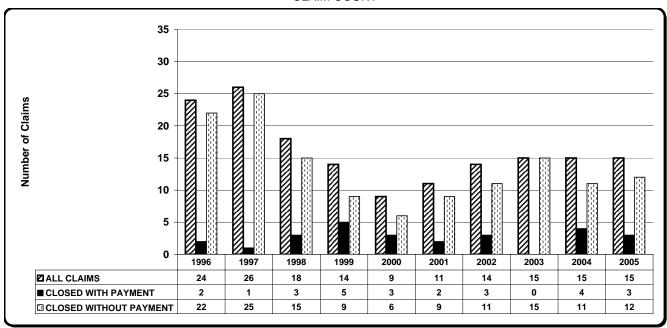




TRIAL OR HEARING

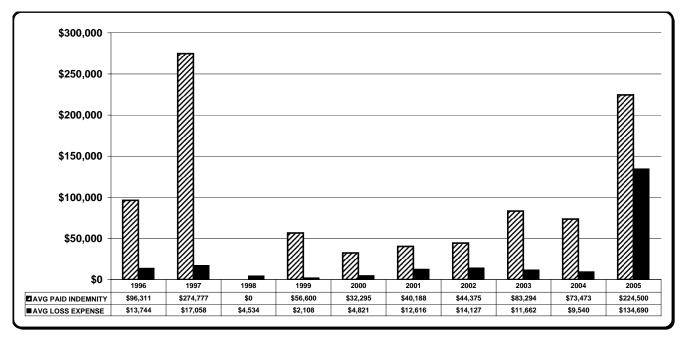
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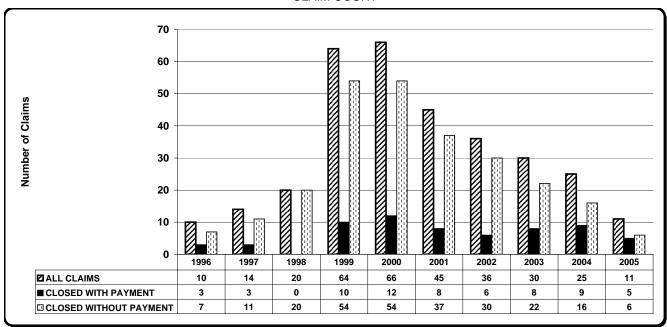




OTHER

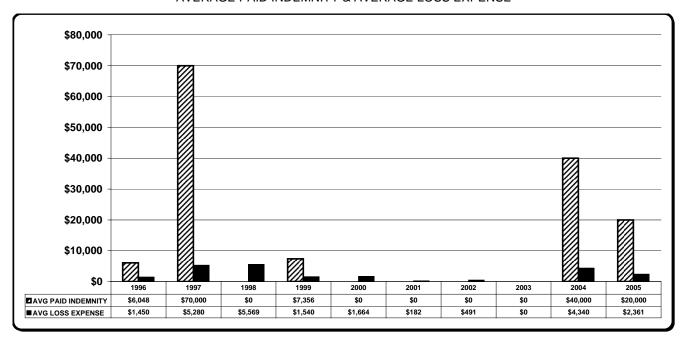
AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

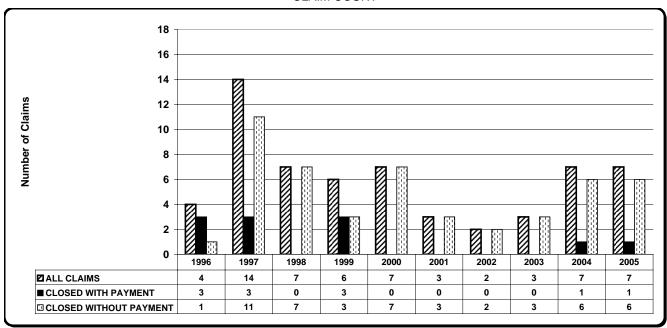




## **APPEAL ACTIVITIES**

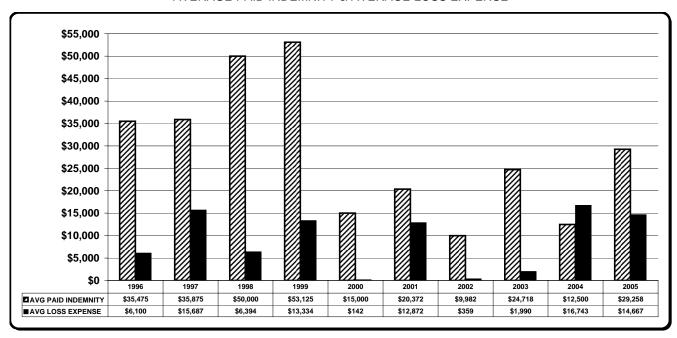
## AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

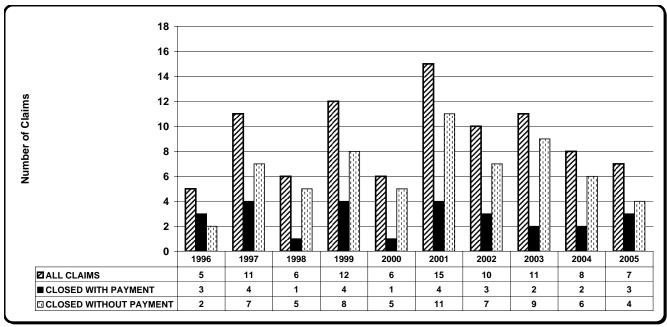




## **EXPARTE PROCEEDINGS**

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE





# TEN YEAR SUMMARY & 2005 SUMMARY BY ALLEGED ERRORS OR OMISSIONS

# LEGAL MALPRACTICE INSURANCE INDEMNITY ANALYSIS FOR YEARS 1996 – 2005

ERROR OR OMISSION	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
FAIL TO ASCERTAIN DEADLINE CORRECTLY	488	203	28.84%	\$53,421	\$10,844,471	14.54%	<b>\$7,237</b>
PROCRASTINATION OR LACK OF FOLLOW-UP	292	65	9.23%	\$132,219	\$8,594,210	11.52%	<b>\$7,757</b>
PLANNING OR STRATEGY ERROR	280	69	9.80%	\$172,278	\$11,887,200	15.94%	\$18,745
FAIL TO KNOW OR PROPERLY APPLY THE LAW	181	49	6.96%	\$213,442	\$10,458,638	14.02%	\$17,920
MALICIOUS PROSECUTION OR ABUSE OF PROCESS	168	17	2.41%	\$31,258	\$531,381	0.71%	\$6,740
OTHER	154	33	4.69%	\$48,250	\$1,592,264	2.13%	\$11,407
INADEQUATE INVESTIGATION	146	32	4.55%	\$56,419	\$1,805,399	2.42%	\$10,898
FAIL TO FOLLOW CLIENTS INSTRUCTIONS	142	33	4.69%	\$81,516	\$2,690,014	3.61%	\$7,943
CONFLICT OF INTEREST	123	29	4.12%	\$183,045	\$5,308,318	7.12%	\$17,928
FAIL TO OBTAIN CLIENTS CONSENT	104	24	3.41%	\$115,217	\$2,765,217	3.71%	\$37,435
FRAUD	104	16	2.27%	\$591,332	\$9,461,307	12.68%	\$56,495
VIOLATION OF CIVIL RIGHTS	71	5	0.71%	\$112,600	\$563,000	0.75%	\$5,255
FAILURE TO CALENDAR PROPERLY	63	31	4.40%	\$63,709	\$1,974,984	2.65%	\$4,025
FAILURE TO REACT TO CALENDAR	62	29	4.12%	\$42,057	\$1,219,667	1.64%	\$4,823
CLERICAL ERROR	57	23	3.27%	\$24,264	\$558,082	0.75%	\$3,234
FAIL TO FILE DOCUMENTS WITH NO DEADLINE	53	17	2.41%	\$64,329	\$1,093,597	1.47%	\$14,666
IMPROPER WITHDRAWAL FROM REPRESENTATION	37	8	1.14%	\$15,750	\$126,000	0.17%	\$3,198
FAIL TO ANTICIPATE TAX CONSEQUENCES	34	10	1.42%	\$73,450	\$734,497	0.98%	\$14,597
LIBEL OR SLANDER	27	1	0.14%	\$21,300	\$21,300	0.03%	\$3,475
ERROR IN MATHEMATICAL CALCULATION	24	3	0.43%	\$67,081	\$201,244	0.27%	\$6,965
ERROR IN PUBLIC RECORD SEARCH	18	3	0.43%	\$62,501	\$187,503	0.25%	\$4,155
LOST FILE, DOCUMENT OR EVIDENCE	13	4	0.57%	\$493,293	\$1,973,170	2.65%	\$3,986
TOTAL	2,641	704	100.00%	\$105,954	\$74,591,463	100.00%	\$13,162

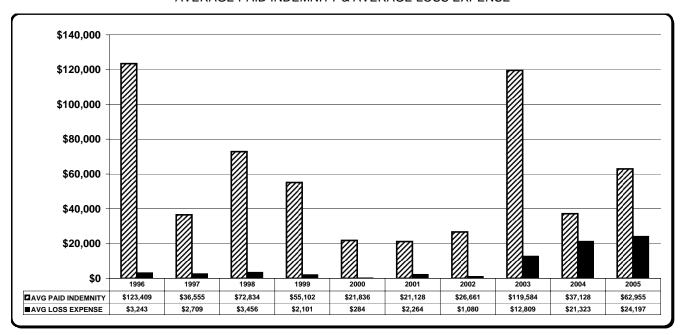
# LEGAL MALPRACTICE INSURANCE INDEMNITY ANALYSIS CLAIMS CLOSED IN 2005

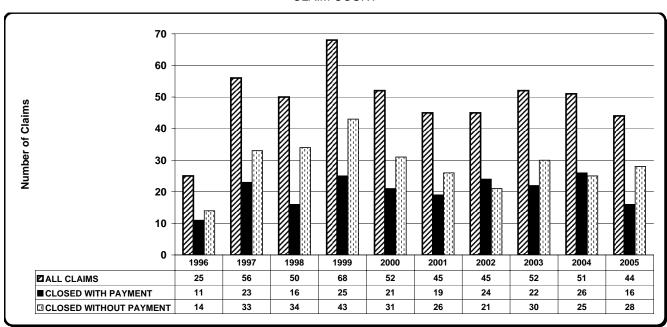
ERROR OR OMISSION	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
FAIL TO ASCERTAIN DEADLINE CORRECTLY	44	16	24.24%	\$62,955	\$1,007,278	8.32%	\$24,197
PLANNING OR STRATEGY ERROR	28	6	9.09%	\$761 <b>,</b> 191	\$4,567,145	37.75%	\$69,785
FAILURE TO REACT TO CALENDAR	18	8	12.12%	\$17,325	\$138,600	1.15%	\$1,468
FAIL TO KNOW OR PROPERLY APPLY THE LAW	17	4	6.06%	\$16,556	\$66,222	0.55%	\$34,290
OTHER	17	4	6.06%	\$47,854	\$191,416	1.58%	\$16,661
PROCRASTINATION OR LACK OF FOLLOW-UP	16	5	7.58%	\$962,555	\$4,812,773	39.78%	\$24,765
MALICIOUS PROSECUTION OR ABUSE OF PROCESS	15	0	0.00%	\$0	\$0	0.00%	\$2,045
FAILURE TO CALENDAR PROPERLY	14	4	6.06%	\$36,191	\$144,763	1.20%	\$0
FAIL TO FOLLOW CLIENTS INSTRUCTIONS	12	2	3.03%	\$130,000	\$260,000	2.15%	\$8,017
FAIL TO FILE DOCUMENTS WITH NO DEADLINE	11	4	6.06%	\$160,731	\$642,924	5.31%	\$17,326
FRAUD	10	2	3.03%	\$7,500	\$15,000	0.12%	\$15,920
CONFLICT OF INTEREST	9	3	4.55%	\$36,923	\$110,770	0.92%	\$16,283
INADEQUATE INVESTIGATION	8	3	4.55%	\$11,733	\$35,200	0.29%	\$3,945
CLERICAL ERROR	6	2	3.03%	\$10,963	\$21,925	0.18%	\$0
ERROR IN MATHEMATICAL CALCULATION	6	0	0.00%	\$0	\$0	0.00%	\$0
IMPROPER WITHDRAWAL FROM REPRESENTATION	6	1	1.52%	\$3,000	\$3,000	0.02%	\$718
FAIL TO OBTAIN CLIENTS CONSENT	5	1	1.52%	\$35,000	\$35,000	0.29%	\$4,669
ERROR IN PUBLIC RECORD SEARCH	3	1	1.52%	\$47,500	\$47,500	0.39%	\$1,757
LOST FILE, DOCUMENT OR EVIDENCE	3	0	0.00%	\$0	\$0	0.00%	\$732
LIBEL OR SLANDER	2	0	0.00%	\$0	\$0	0.00%	\$2,153
VIOLATION OF CIVIL RIGHTS	2	0	0.00%	\$0	\$0	0.00%	\$6,194
TOTAL	252	66	100.00%	\$183,326	\$12,099,516	100.00%	\$19,897

# TRENDS OF THE TOP TEN ERRORS OR OMISSIONS OF 2005

## FAIL TO ASCERTAIN DEADLINE CORRECTLY

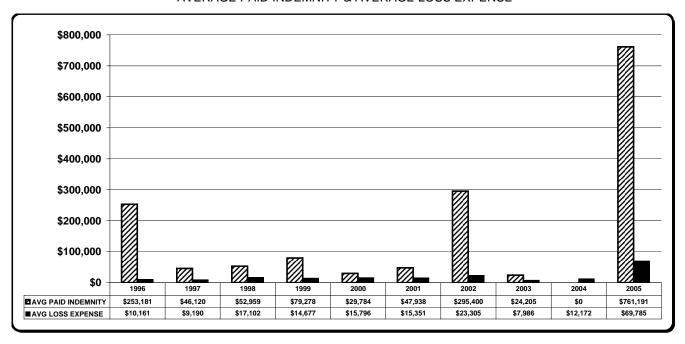
AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

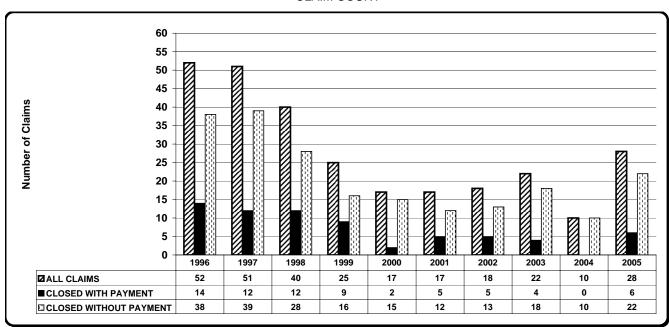




## **PLANNING OR STRATEGY ERROR**

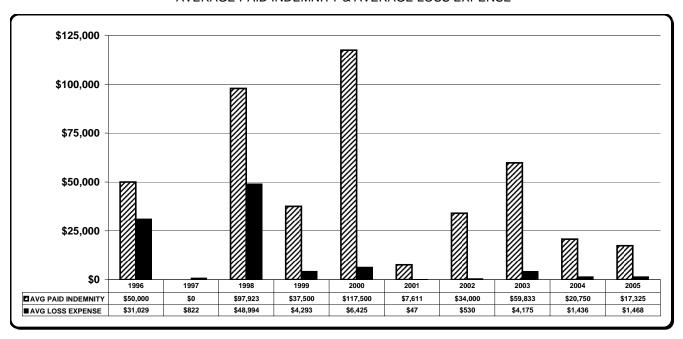
AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

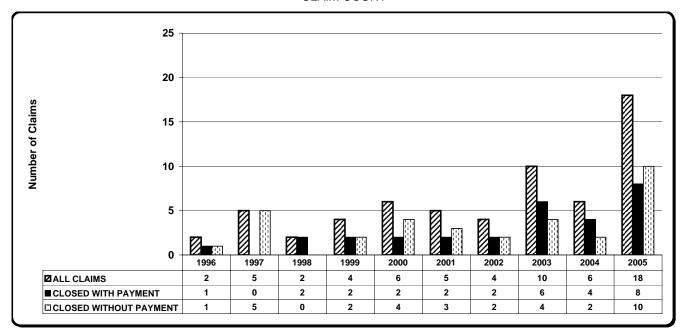




## **FAILURE TO REACT TO CALENDAR**

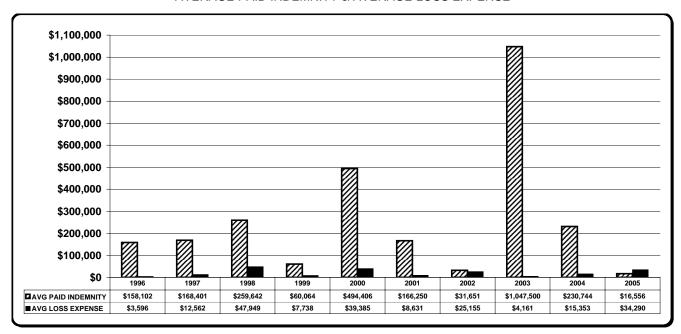
AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

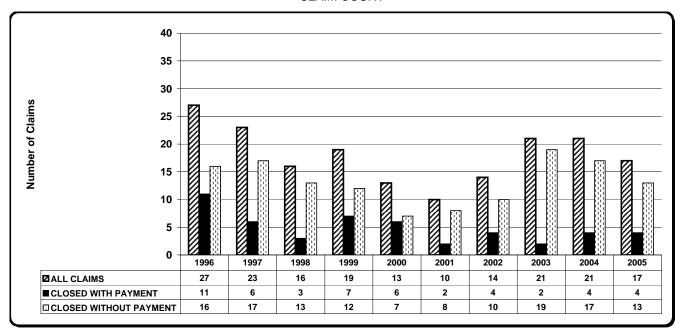




## FAIL TO KNOW OR PROPERLY APPLY THE LAW

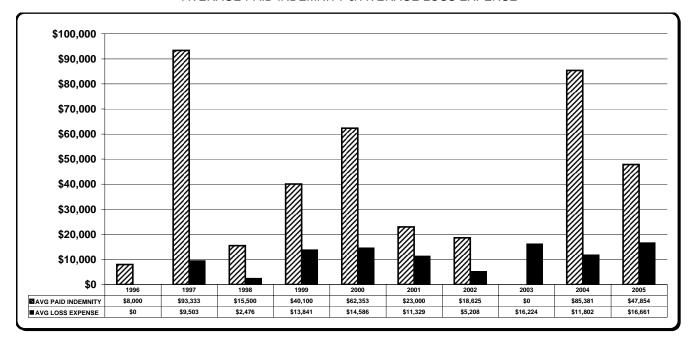
AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

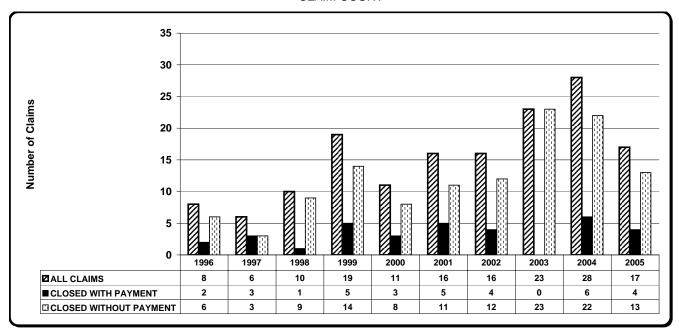




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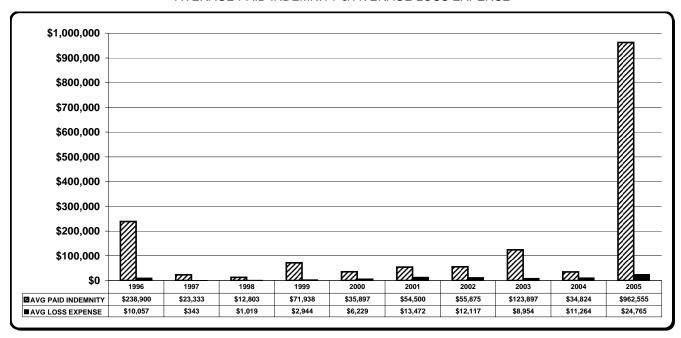
AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

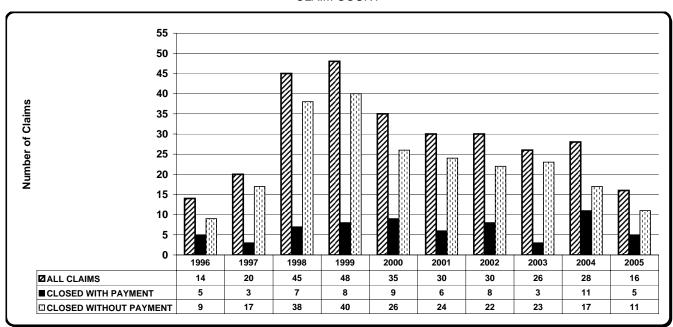




## PROCRASTINATION OR LACK OF FOLLOW-UP

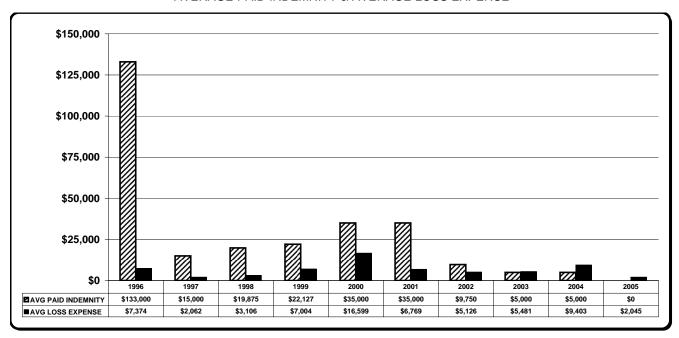
AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

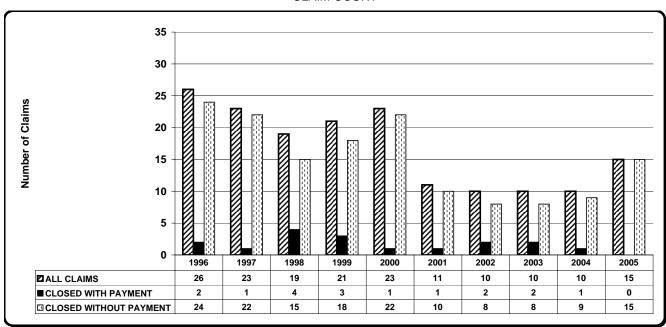




## MALICIOUS PROSECUTION OR ABUSE OF PROCESS

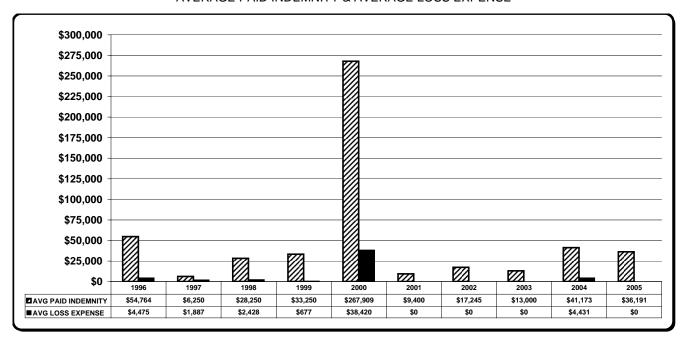
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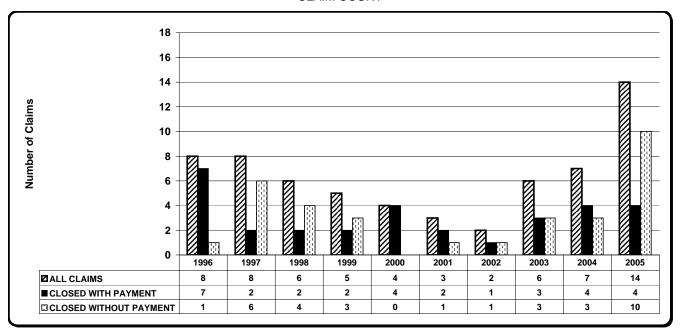




## **FAILURE TO CALENDAR PROPERLY**

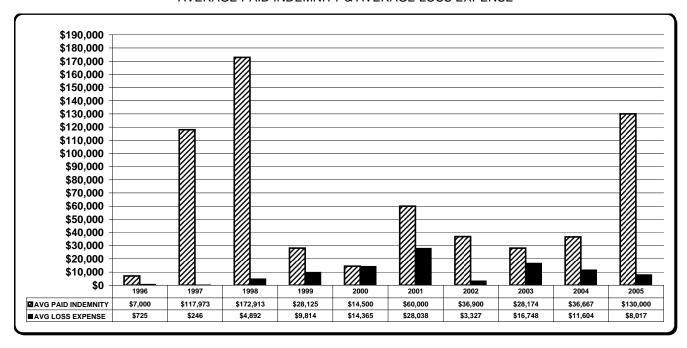
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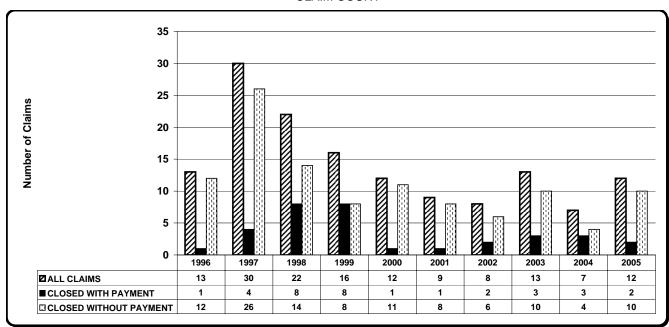




## **FAIL TO FOLLOW CLIENTS INSTRUCTIONS**

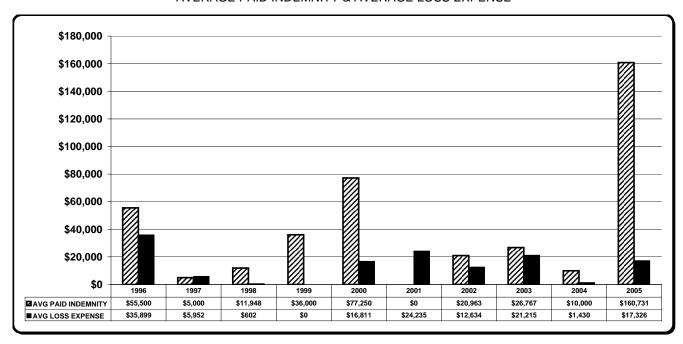
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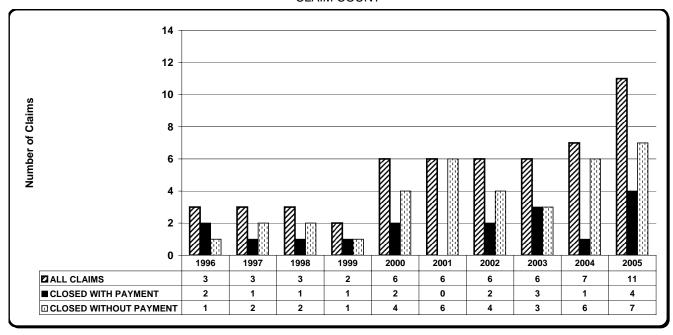




## FAIL TO FILE DOCUMENTS WITH NO DEADLINE

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE





# TEN YEAR SUMMARY & 2005 SUMMARY BY CLAIM DISPOSITIONS

# LEGAL MALPRACTICE INSURANCE INDEMNITY ANALYSIS FOR YEARS 1996 – 2005

CLAIM DISPOSITION	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
BEFORE FILING SUIT OR DEMANDING HEARING	1,284	351	49.86%	\$65,793	\$23,093,201	30.96%	\$1,030
BEFORE TRIAL OR HEARING	1,006	317	45.03%	\$144,029	\$45,657,127	61.21%	\$24,920
CLAIM OR SUIT ABANDONED	149	0	0.00%	\$0	\$0	0.00%	\$1,353
AFTER APPEAL	87	9	1.28%	\$79,838	\$718,543	0.96%	\$48,227
AFTER JUDGMENT, BEFORE APPEAL	39	8	1.14%	\$146,296	\$1,170,370	1.57%	\$15,535
DURING TRIAL OR HEARING	27	6	0.85%	\$163,352	\$980,111	1.31%	\$36,053
DURING APPEAL	23	7	0.99%	\$152,610	\$1,068,267	1.43%	\$72,457
AFTER TRIAL OR HEARING, BEFORE JUDGMENT	22	6	0.85%	\$317,308	\$1,903,845	2.55%	\$32,816
DURING REVIEW PANEL	4	0	0.00%	\$0	\$0	0.00%	\$823
TOTAL	2,641	704	100.00%	\$105,954	\$74,591,463	100.00%	\$13,162

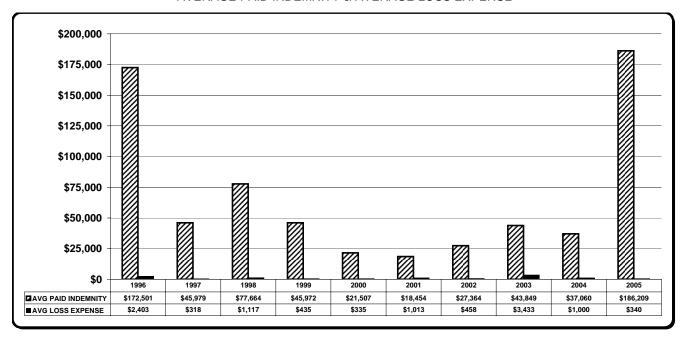
# LEGAL MALPRACTICE INSURANCE INDEMNITY ANALYSIS CLAIMS CLOSED IN 2005

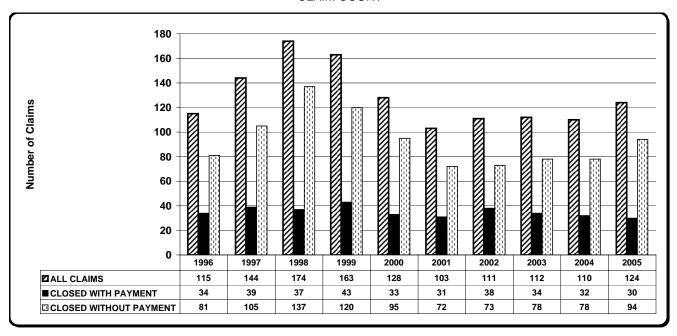
CLAIM DISPOSITION	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
BEFORE FILING SUIT OR DEMANDING HEARING	124	30	45.45%	\$186,209	\$5,586,258	46.17%	\$340
BEFORE TRIAL OR HEARING	93	36	54.55%	\$180,924	\$6,513,258	53.83%	\$42,509
CLAIM OR SUIT ABANDONED	17	0	0.00%	\$0	\$0	0.00%	\$4,788
AFTER APPEAL	9	0	0.00%	\$0	\$0	0.00%	\$57 <b>,</b> 572
AFTER JUDGMENT, BEFORE APPEAL	4	0	0.00%	\$0	\$0	0.00%	\$25,414
AFTER TRIAL OR HEARING, BEFORE JUDGMENT	2	0	0.00%	\$0	\$0	0.00%	\$1,208
DURING APPEAL	1	0	0.00%	\$0	\$0	0.00%	\$170,804
DURING REVIEW PANEL	1	0	0.00%	\$0	\$0	0.00%	\$3,290
DURING TRIAL OR HEARING	1	0	0.00%	\$0	\$0	0.00%	\$140,870
TOTAL	252	66	100.00%	\$183,326	\$12,099,516	100.00%	\$19,897

# TRENDS OF THE TOP NINE CLAIM DISPOSITIONS OF 2005

## BEFORE FILING SUIT OR DEMANDING HEARING

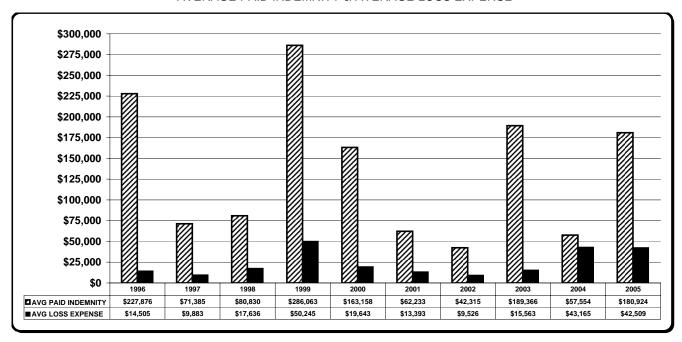
AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

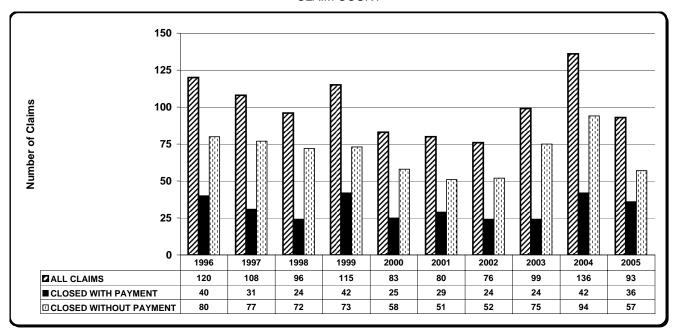




## **BEFORE TRIAL OR HEARING**

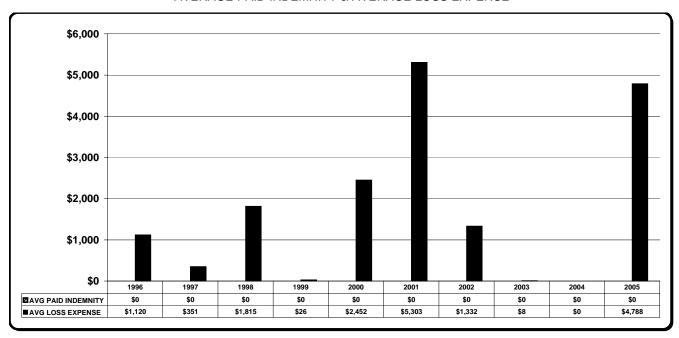
AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

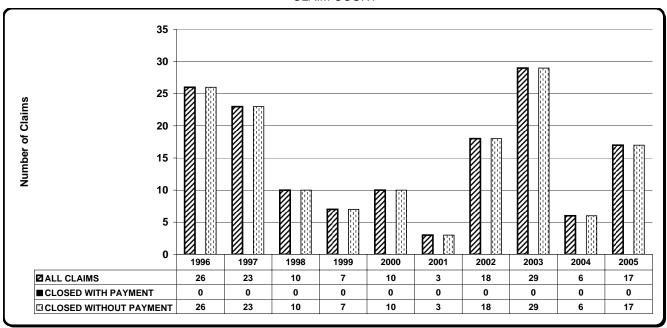




## **CLAIM OR SUIT ABANDONED**

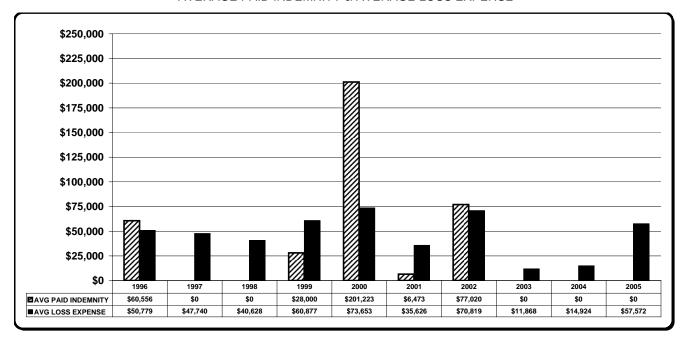
AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

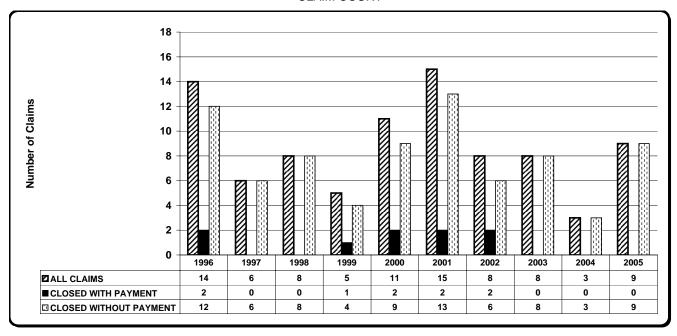




AFTER APPEAL

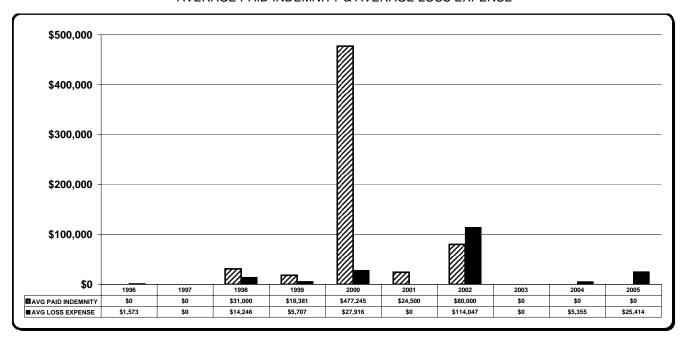
AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

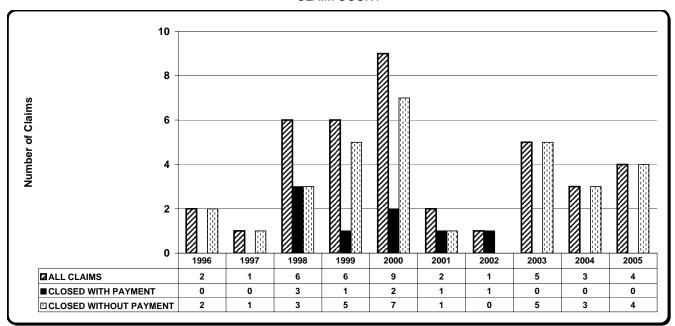




## AFTER JUDGMENT, BEFORE APPEAL

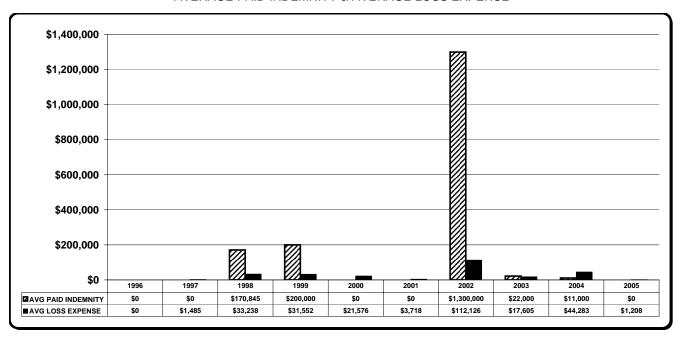
AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

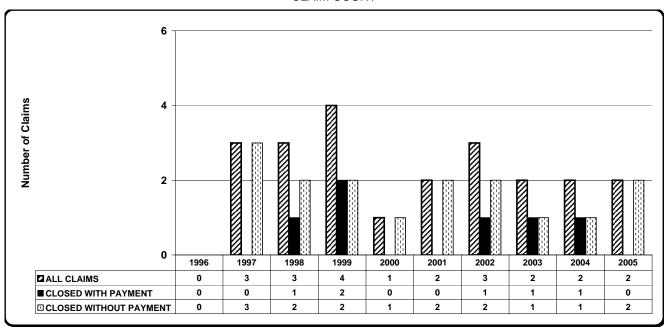




## AFTER TRIAL OR HEARING, BEFORE JUDGMENT

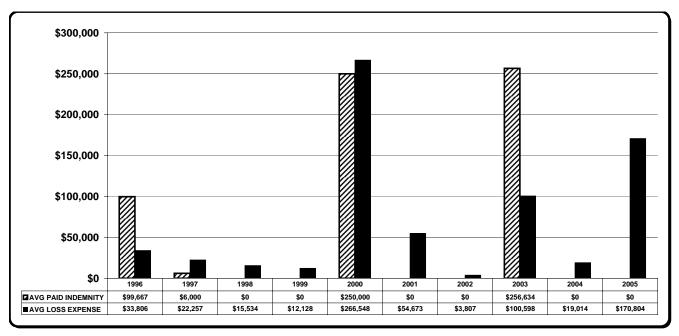
AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

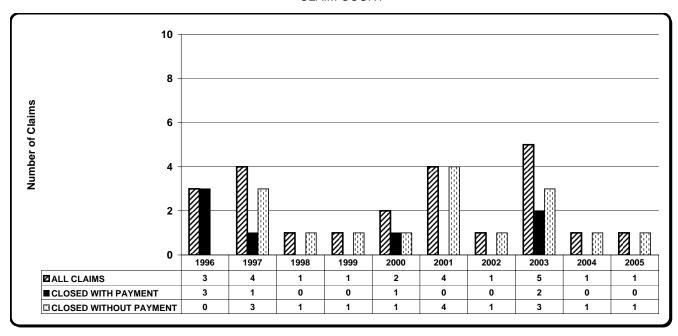




**DURING APPEAL** 

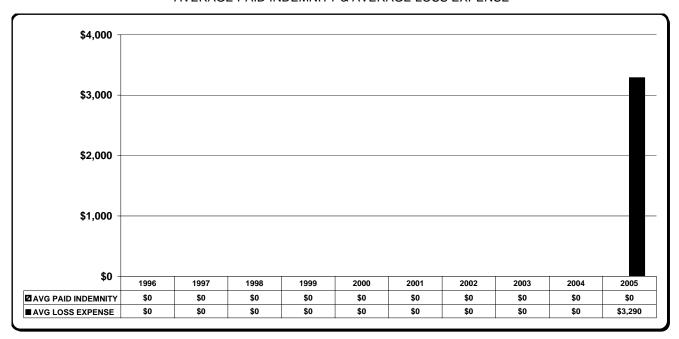
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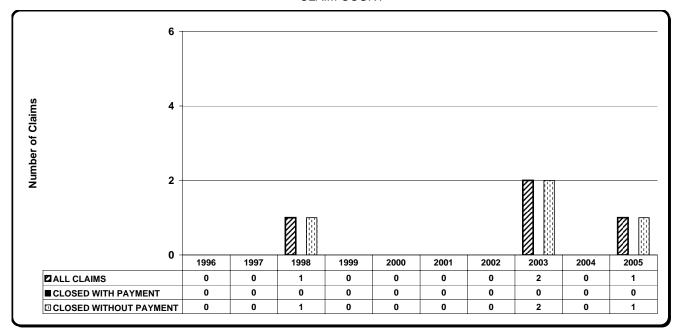




## **DURING REVIEW PANEL**

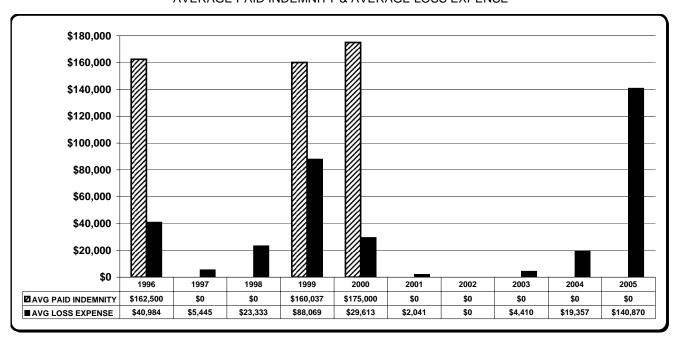
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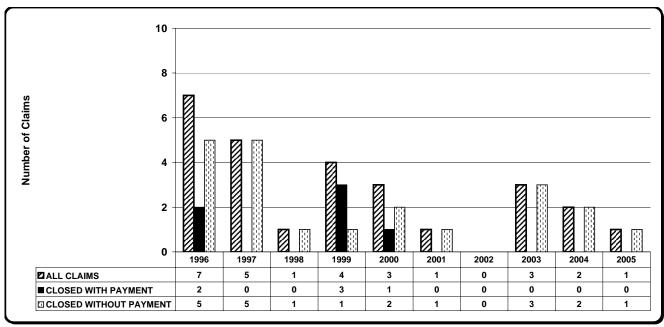




## **DURING TRIAL OR HEARING**

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE





# TEN YEAR SUMMARY & 2005 SUMMARY BY YEARS ADMITTED TO PRACTICE

## LEGAL MALPRACTICE INSURANCE INDEMNITY ANALYSIS FOR YEARS 1996 – 2005

YEARS ADMITTED TO PRACTICE	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
OVER 10 YEARS	2,390	636	90.34%	\$100,682	\$64,033,972	85.85%	\$13,215
4 TO 10 YEARS	197	55	7.81%	\$167,572	\$9,216,481	12.36%	\$14,692
UNDER 4 YEARS	54	13	1.85%	\$103,155	\$1,341,010	1.80%	\$5,218
TOTAL	2,641	704	100.00%	\$105,954	\$74,591,463	100.00%	\$13,162

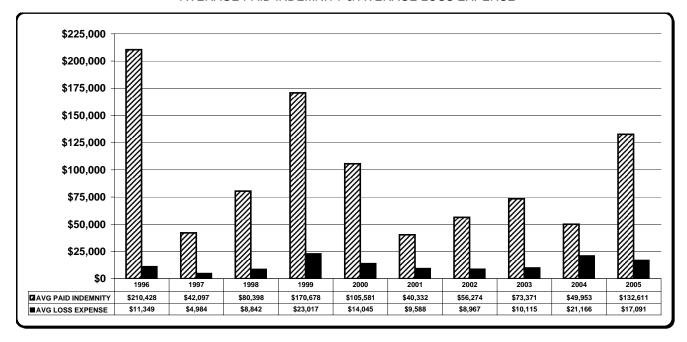
## LEGAL MALPRACTICE INSURANCE INDEMNITY ANALYSIS CLAIMS CLOSED IN 2005

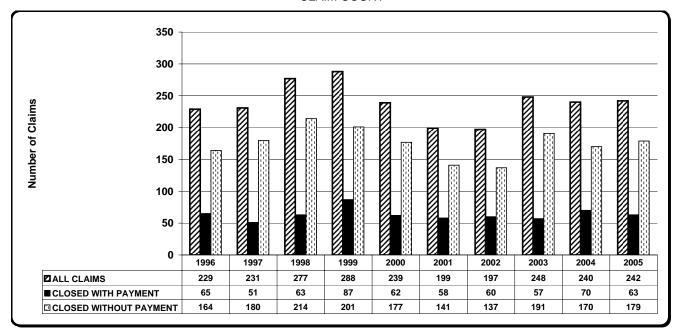
YEARS ADMITTED TO PRACTICE	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
OVER 10 YEARS	242	63	95.45%	\$132,611	\$8,354,521	69.05%	\$17,091
4 TO 10 YEARS	10	3	4.55%	\$1,248,332	\$3,744,995	30.95%	\$87,796
TOTAL	252	66	100.00%	\$183,326	\$12,099,516	100.00%	\$19,897

# TRENDS OF YEARS ADMITTED TO PRACTICE FOR 2005

OVER 10 YEARS

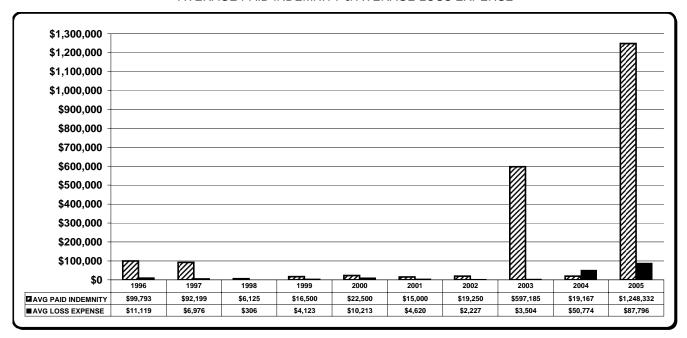
AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

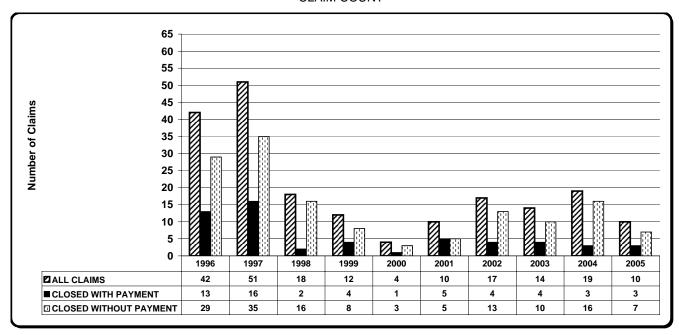




4 TO 10 YEARS

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE





## TEN YEAR SUMMARY & 2005 SUMMARY BY INSURED/CLAIMANT RELATIONSHIP

#### LEGAL MALPRACTICE INSURANCE INDEMNITY ANALYSIS FOR YEARS 1996 – 2005

INSURED'S RELATIONSHIP TO THE CLAIMANT	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
CLIENT OTHER THAN FREE LEGAL SERVICE OR PREPAID LEGAL PLAN	2,196	639	90.77%	\$101,126	\$64,619,627	86.63%	\$13,835
NON-CLIENT	433	60	8.52%	\$89,822	\$5,389,336	7.23%	\$9,614
FREE LEGAL SERVICE	10	4	0.57%	\$20,625	\$82,500	0.11%	\$1,948
MEMBER PRE-PAID LEGAL PLAN	2	1	0.14%	\$4,500,000	\$4,500,000	6.03%	\$97,962
TOTAL	2,641	704	100.00%	\$105,954	\$74,591,463	100.00%	\$13,162

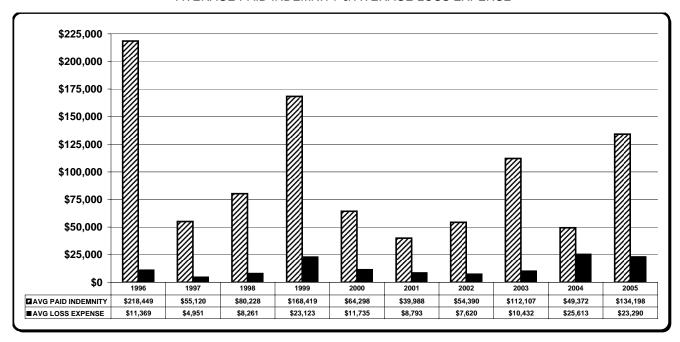
#### LEGAL MALPRACTICE INSURANCE INDEMNITY ANALYSIS CLAIMS CLOSED IN 2005

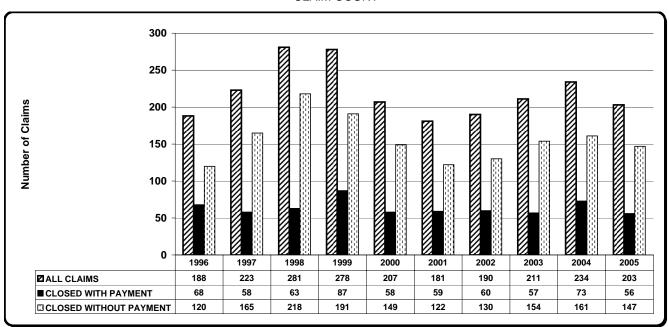
INSURED'S RELATIONSHIP TO THE CLAIMANT	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
CLIENT OTHER THAN FREE LEGAL SERVICE OR PREPAID LEGAL PLAN	203	56	84.85%	\$134,198	\$7,515,094	62.11%	\$23,290
NON-CLIENT	47	9	13.64%	\$9,380	\$84,422	0.70%	\$5 <b>,</b> 970
FREE LEGAL SERVICE	1	0	0.00%	\$0	\$0	0.00%	\$0
MEMBER PRE-PAID LEGAL PLAN	1	1	1.52%	\$4,500,000	\$4,500,000	37.19%	\$5,571
TOTAL	252	66	100.00%	\$183,326	\$12,099,516	100.00%	\$19,897

# TRENDS OF INSURED/CLAIMANT RELATIONSHIP FOR 2005

#### CLIENT OTHER THAN FREE LEGAL SERVICE OR MEMBER OF PRE-PAID LEGAL PLAN

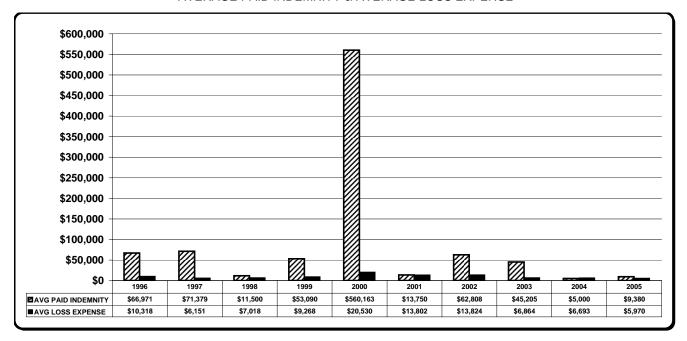
AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

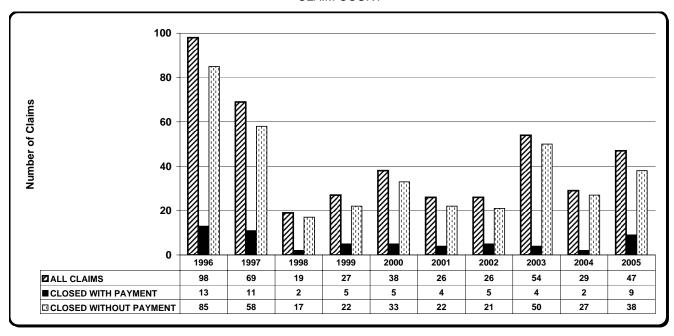




NON-CLIENT

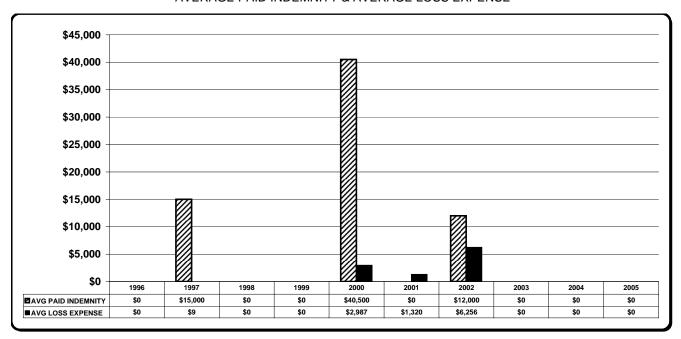
AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

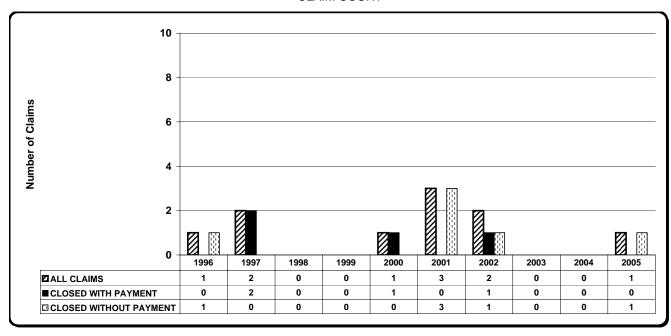




#### FREE LEGAL SERVICE

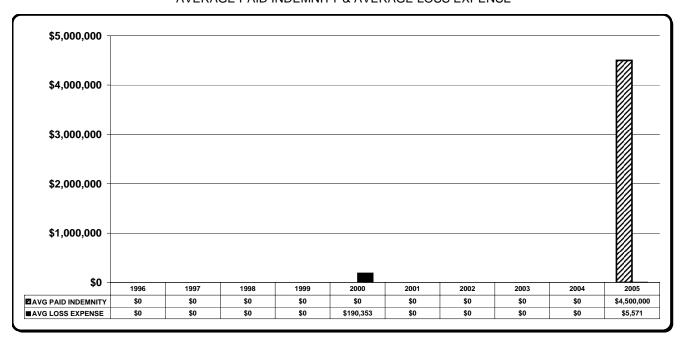
#### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

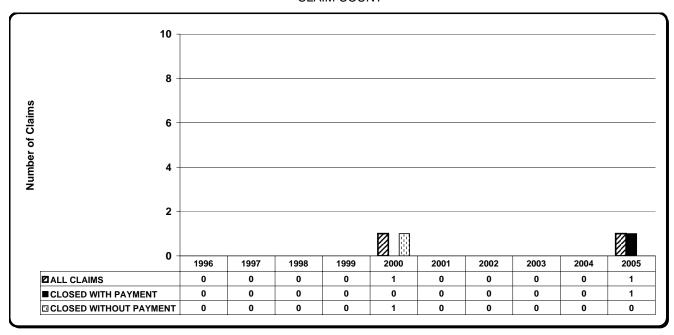




#### **MEMBER PRE-PAID LEGAL PLAN**

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE





### PREMIUM AND LOSS DATA

#### PAGE 20 SUPPLEMENT LEGAL MALPRACTICE EXPERIENCE WITH MARKET SHARE

#### 2005 EXPERIENCE

NAIC Company Code	Company Name	Market Share	Written Premium	Earned Premium	Incurred Losses	Loss Ratio
29513	BAR PLAN MUTUAL INSURANCE CO THE	88.51%	\$13,094,388	\$12,857,439	\$12,564,378	97.72%
25585	PROFESSIONALS DIRECT INSURANCE COMPANY	8.14%	\$1,204,996	\$1,098,819	\$931,533	84.78%
16691	GREAT AMERICAN INSURANCE COMPANY	3.22%	\$475 <b>,</b> 723	\$427,506	\$1,710,343	400.07%
24767	ST PAUL FIRE & MARINE INSURANCE CO	2.14%	\$316,186	\$292,109	\$149,111	51.05%
15865	NCMIC INSURANCE COMPANY	0.99%	\$146,668	\$158,027	\$42,519	26.91%
42234	MINNESOTA LAWYERS MUTUAL INS COMPANY	0.39%	\$58,026	\$53,707	\$133,667	248.88%
22322	GREENWICH INSURANCE COMPANY	0.02%	\$2,635	\$875	\$0	0.00%
11127	PROFESSIONAL SOLUTIONS INSURANCE COMPANY	0.02%	\$2,457	\$1,260	\$0	0.00%
10037	INTERLEX INSURANCE COMPANY	0.00%	\$0	\$0	\$194,500	N/A
24902	SECURITY INSURANCE COMPANY OF HARTFORD	0.00%	\$0	\$0	\$1,090	N/A
26344	GREAT AMERICAN ASSURANCE COMPANY	0.00%	\$0	\$0	-\$3,763	N/A
33723	GREAT AMERICAN SPIRIT INSURANCE COMPANY	0.00%	\$0	\$0	\$1,048	N/A
20443	CONTINENTAL CASUALTY COMPANY	-3.42%	-\$506,473	-\$744,710	\$320,096	-42.98%
	TOTAL	100.00%	\$14,794,606	\$14,145,032	\$16,044,522	113.43%

#### PAGE 20 SUPPLEMENT LEGAL MALPRACTICE EXPERIENCE

#### TEN YEAR SUMMARY

YEAR	Written Premium	Earned Premium	Incurred Losses	Loss Ratio
1996	\$13,807,557	\$14,103,128	\$7,300,262	51.76%
1997	\$14,580,412	\$13,614,619	\$8,059,195	59.20%
1998	\$12,554,951	\$12,992,850	\$14,448,916	111.21%
1999	\$12,175,030	\$11,697,769	\$13,354,679	114.16%
2000	\$11,026,795	\$9,915,755	-\$18,393,921	-185.50%
2001	\$13,576,133	\$14,770,445	\$4,631,875	31.36%
2002	\$12,818,643	\$11,830,869	\$2,426,999	20.51%
2003	\$13,057,678	\$11,671,741	\$3,402,619	29.15%
2004	\$14,539,856	\$13,343,100	\$6,472,267	48.51%
2005	\$14,794,606	\$14,145,032	\$16,044,522	113.43%
10-Year Total	\$132,931,661	\$128,085,308	\$57,747,413	45.09%

#### PAGE 20 SUPPLEMENT LEGAL MALPRACTICE EXPERIENCE

#### TEN YEAR LOSS RATIO SUMMARY

